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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,867	12/14/2001	Andrew M. Pickard	125718-1000	9045

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07/03/2003

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EXAMINER

RIOS CUEVAS, ROBERTO JOSE

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,867

Applicant(s)

PICKARD, ANDREW M.

Examiner

Roberto J Rios

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 is/are allowed.
- 6) ☒ Claim(s) 20-22, 28-32, 38 and 39 is/are rejected.
- 7) ☒ Claim(s) 23-27 and 33-37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 37 is objected to because of the following informalities: claim 37 depends from claim 20 and is a copy of claim 27, which also depends from claim 20. It is believed that claim 37 should depend from claim 32. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 20, 28, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Keely et al (US patent 4,970,494).

As per claim 20, Keely et al (herein after Keely) teach a wireless remote controlled lock stem for a pedestrian door for a residential or commercial building wherein said door includes a door jamb adapted to support a striker plate cooperable with said door for latching said door in a closed and locked position, said lock system comprising: a striker assembly adapted to mount at said jamb (Figure 1) and including a striker plate member moveable between a first position to allow said door to open and a second position for locking said door in a closed position (col. 2, line 28); a control unit including a wireless signal receiver and a circuit for causing said striker assembly to provide for movement of said striker plate member to said first position for a predetermined time period (col. 3, line 67); and a wireless transmitter (34) operable to

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transmit a signal to said receiver to effect operation of said striker assembly to provide for movement of said striker plate member to said first position.

As per claim 28, Keely teaches said control unit including a connector for connecting said control unit to a source of AC electrical power, a transformer operably connected to said connector and a rectifier operably connected to said transformer for converting AC electrical power to DC electrical power for operation of said receiver and said striker assembly (Figure 1).

As per claim 30, Keely teaches said transmitter comprising a radio frequency transmitter (34) and said receiver comprises a radio frequency receiver (50) and said system includes a fob (col. 2, line 45), said transmitter is disposed in said fob and is operable to be carried by a person authorized to operate said lock system.

As per claim 31, Keely teaches said receiver and said circuit being responsive to a first signal from said transmitter to energize said striker assembly for said predetermined period of time to provide for movement of said striker plate member to said first position during said predetermined period of time (col. 3, line 52).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 21, 22, 32 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keely in view of Collard Jr., et al (US patent 5,852,944).

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As per claim 21, Keely teaches providing a signal to cause said striker plate member to move to said first position for a predetermined period of time but does not specifically disclose providing a second signal from said transmitter to cause said striker plate member to move to said second position. However, Collard, Jr. et al (herein after Collard) teach providing a first signal from a portable transmitter to cause a locking member to move to a first position and providing a second signal from said transmitter to cause said locking member to move to a second position (col. 5, line 19).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Keely with the teachings of Collard such that a second signal is transmitted from the portable transmitter for the purpose of providing latching means to allow unrestricted passage of a person through said door.

As per claim 22, Collard teaches said receiver and said circuit being responsive to the time interval between receipt of said first and second signals to determine said predetermined period of time (col. 4, line 32).

As per claim 32, Keely teaches all the limitations except the control unit being responsive to a second signal to cause said striker plate assembly to latch said door. However, Collard teaches providing a first signal from a portable transmitter to cause a locking member to move to a first unlatched position and providing a second signal from said transmitter to cause said locking member to move to a second latched position (col. 5, line 19).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Keely with the teachings of Collard such

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that a second signal is transmitted from the portable transmitter for the purpose of providing latching means to allow unrestricted passage of a person through said door.

As per claim 38, Keely teaches said control unit including a connector for connecting said control unit to a source of AC electrical power, a transformer operably connected to said connector and a rectifier operably connected to said transformer for converting AC electrical power to DC electrical power for operation of said receiver and said striker assembly (Figure 1).

6. Claims 29 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keely.

As per claims 29 and 39, Keely teaches the control unit receiving converted DC power (B+) from AC utility power but does not specifically disclose providing a voltage regulator. However, the Examiner takes official notice that it is well known in the art to provide logic gates with regulated and constant operating voltage (Vcc) through a voltage regulator.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Keely such that a voltage regulator is provided since logic gates need regulated and constant voltage to operate properly.

7. Art of general nature relating to remote locking systems has been cited for applicant's review.

Allowable Subject Matter

8. Claims 1-19 are allowed.

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Reasons for allowance for claims 1-19 were provided in the Notice of Allowance of parent case 09/133,937 mailed on 07/16/1999.

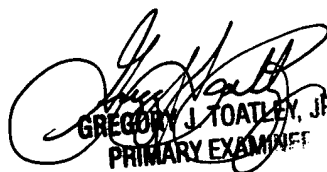
9. Claims 23-27 and 33-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or fairly suggest a lock system circuit element comprising a circuit element comprising a first relay connected to a power source and a striker assembly, wherein a striker plate member is moved to a first position and said first relay is hold in an energized state in response to a first received signal as in the claimed combination of elements recited in claims 23 and 33 respectively. Moreover, the prior art of record fails to teach or fairly suggest a lock system, wherein a mode selector switch is provided to cause said striker plate member to remain in said first position in response to a received signal as in the claimed combination of elements of claims 25 and 35 respectively. In addition, the prior art of record fails to teach or fairly suggest a lock system comprising a receiver including first and second switches that are operated momentarily in response to a first and second signals being spaces apart in time as in the claimed combination of elements of claims 27 and 37 respectively.

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Communication with PTO

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rios whose telephone number is (703) 306-5518. In the event that Examiner Rios cannot be reached, his supervisor, Brian Sircus may be contacted at (703) 308-3119. The fax number for Before-Final communications is (703) 872-9318, for After-Final communications is (703) 872-9319, and for Customer Service is (703) 872-9317.



GREGORY J. TOATLEY, JR.
PRIMARY EXAMINER

Roberto J. Rios
Patent Examiner